

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WANZO,)	CASE NO. 1:17 CV 1163
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
CITY OF CLEVELAND,)	
)	
Defendant.)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>

This case is before the Court on Defendant's Motion to Enforce Settlement Agreement, and Motion to Continue Trial. (ECF #37, 40). Plaintiff opposes the motion to Enforce Settlement Agreement.. (ECF #39).

The parties had previously agreed to some terms of a potential agreement in September of 2018. Both parties agreed that the issue of rehire was material to the potential agreement, but they disagreed on how that issue should be resolved. Plaintiff filed a motion to enforce settlement at that time, which this Court denied, finding that there had been no meeting of the minds and, therefore, no enforceable agreement. That decision essentially voided any outstanding offers and cleared the slate for any future negotiations.

Following that decision, Defendant offered Plaintiff the terms he had previously sought. Plaintiff rejected that offer. This was his prerogative. As the prior negotiations had not resulted

in an agreement, defendant's post decision concession constituted a new offer that Plaintiff was free to accept or decline. He chose to decline and no agreement was reached. There is, therefore, no agreement to enforce. Defendant's Motion to Enforce Settlement (ECF #37), and Motion to Continue Trial (ECF #40) are both DENIED. Trial remains set for March 18, 2019 at 8:30 a.m.. IT IS SO ORDERED.

Date: February 22, 2018

Donald C. Nugent
Donald C. Nugent,
United States District Judge